

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**for the**

Jan 29, 2020

SEAN F. McAVOY, CLERK

## Eastern District of Washington

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Hermino Garcia Rojas Case Number: 0980 2:10CR02120-RMP-1

Address of Offender: Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: November 17, 2011

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence:	Prison - 120 months; TSR - 96 months	Type of Supervision: Supervised Release
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Revocation Sentence:	Prison - 12 months
January 15, 2019	TSR - 84 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: December 27, 2019

Defense Attorney: TBD Date Supervision Expires: December 26, 2026

## PETITIONING THE COURT

To issue a warrant and incorporate the violations contained in this petition in future proceeding with the violations previously reported to the Court on January 15, 2020.

The probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
4	<p><b><u>Standard Condition #2:</u></b> After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.</p> <p><b><u>Supporting Evidence:</u></b> Mr. Rojas is alleged to have failed to report to probation as directed on January 23 and 24, 2020.</p> <p>On December 19, 2019, supervised release conditions were reviewed with Mr. Rojas at the Spokane work release facility. On January 2, 2020, supervised release conditions were once again reviewed and signed by Mr. Rojas, acknowledging his understanding of standard condition number 2, which requires him to report to probation as instructed.</p> <p>On January 16, 2020, Mr. Rojas was directed by this officer to report to probation on January 23, 2020, at 2:30 p.m., for an office visit and to provide a urinalysis test. On January 23, 2020, Mr. Rojas sent this officer a text message at 4:16 p.m. stating he missed</p>

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the scheduled meeting because he took a nap. Mr. Rojas was directed to report on January 24, 2020, at 2:30 p.m. Mr. Rojas confirmed that he would report as directed.

Mr. Rojas failed to report on January 24, 2020, as directed and failed to contact this officer to explain why he could not report.

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**Special Condition #1:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** Mr. Rojas is alleged to have failed to complete a substance abuse evaluation as directed by January 23, 2020, as directed.

On December 19, 2019, supervised release conditions were reviewed with Mr. Rojas at the Spokane work release facility. On January 2, 2020, supervised release conditions were once again reviewed and signed by Mr. Rojas, acknowledging his understanding of special condition number 1, which requires him to undergo a substance abuse evaluation.

On January 2, 9, and 16, 2020, Mr. Rojas was directed to complete a substance abuse evaluation at Merit Resource Services (Merit) in Yakima, Washington. Every time Mr. Rojas reported to probation, he was directed by this officer to complete a substance abuse evaluation by the next time he reported. Mr. Rojas has failed to complete his assessment as directed.

On January 27, 2020, this officer spoke with Merit staff about Mr. Rojas' assessment status. Staff confirmed that Mr. Rojas has not shown up at Merit to complete a substance abuse evaluation.

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**Special Condition #2:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Rojas is alleged to have consumed methamphetamine and cocaine on or about January 25, 2020.

On December 19, 2019, supervised release conditions were reviewed with Mr. Rojas at the Spokane work release facility. On January 2, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of special condition number 2, which requires him to abstain from the use of illegal controlled substances.

On January 28, 2019, Mr. Rojas reported to U.S. Probation and admitted to consuming cocaine and methamphetamine on or about January 25, 2020. Mr. Rojas signed a drug use admission form admitting to consuming cocaine and methamphetamine.

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The U.S. Probation Office respectfully recommends the Court issue a warrant and incorporate the violations contained in this petition in future proceeding with the violations previously reported to the Court on January 15, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 29, 2020

s/Phil Casey

Phil Casey  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

1/29/2020

Date